

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil Action No. 04-10617-DPW
)
RICHARD DAY CONSTRUCTION,)
)
Defendant.)

UNITED STATES' MOTION FOR DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, Richard Day Construction, for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Richard Day Construction is indebted to the United States for the principal amount of \$9,971.50; plus \$3,832.65 accrued interest at the rate of 5.0 percent; plus costs. The total balance as of May 25, 2004 is \$17,204.59.
2. The submitted affidavit of Nancy M. Rojas, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Richard Day Construction's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Richard Day Construction for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By: /S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3288

Dated: May 25, 2004

CERTIFICATE OF SERVICE

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, I served a copy of the foregoing by mailing to Richard Day Construction at 72 I Street, Bradford, MA 01835.

/S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney